

19698. Adulteration of figs. U. S. v. Albert Asher (Albert Asher Co.). Plea of guilty. Fine, \$50. (F. & D. No. 27433. I. S. No. 11169.)

This action was based on a shipment of figs, samples of which were found to be wormy and moldy.

On March 28, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Albert Asher, trading as the Albert Asher Co., San Francisco, Calif., alleging shipment by said defendant, in violation of the food and drugs act, on or about June 30, 1931, from the State of California into the State of Idaho of a quantity of figs that were adulterated. The article was labeled in part: "Progress Brand Choice California Black Figs Packed by Albert Asher Co., San Francisco, California."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid vegetable substance.

On April 12, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

HENRY A. WALLACE, *Secretary of Agriculture.*

19699. Misbranding of butter. U. S. v. Swift & Co., a Corporation. Plea of guilty. Fine, \$20. (F. & D. No. 27430. I. S. No. 25474.)

This action was based on a shipment of butter, samples of which were found to be short weight.

On November 27, 1931, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Swift & Co., a corporation, trading at Springfield, Mo., alleging shipment by said company in violation of the food and drugs act, as amended, on or about June 2, 1931, from the State of Missouri into the State of Arkansas of a quantity of butter that was misbranded. The article was labeled in part: (Wrapper) "Swift's Premium Quality Brookfield Pasteurized Creamery Butter * * * 1 Lb. Net Weight."

It was alleged in the information that the article was misbranded in that the statement "1 Lb. Net Weight" was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than represented.

On April 4, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

HENRY A. WALLACE, *Secretary of Agriculture.*

19700. Adulteration of canned shrimp. U. S. v. 26 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26521. I. S. Nos. 22082, 23016. S. No. 4826.)

This action was based on a shipment of canned shrimp, samples of which were found to be partially decomposed.

On June 23, 1931, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26 cases of canned shrimp, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, in part on or about December 3, 1930, and in part on or about February 19, 1931, consigned by the Pelican Lake Oyster & Packing Co., Houma, La., to San Francisco, Calif., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "S and W Large Size Shrimp Contents Weight 8¼ Oz. Metric Equivalent 234 Grams. Sussman, Wormser & Co. Distributors San Francisco, Cal."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On August 1, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*